

cc: order, docket, remand letter to Los Angeles Superior Court,
Northeast District, Pasadena, No.13P06542

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RANCHO HORIZON, LLC,

Plaintiff,

v.

NAIRA DANIELYAN; DOES 1–10,
inclusive,

Defendants.

Case No. 2:13-cv-09064-ODW(AGR_x)

**ORDER REMANDING CASE TO
LOS ANGELES COUNTY
SUPERIOR COURT**

On December 9, 2013, Defendant Naira Danielyan removed this unlawful-detainer case to this Court. (ECF No. 1.) But since a federal defense cannot support subject-matter jurisdiction, the Court finds that it lacks jurisdiction over this case. The Court accordingly **REMANDS** this case to Los Angeles County Superior Court, case number 13P06542.

First, this action does not give rise to a federal question. “The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A plaintiff may therefore avoid federal jurisdiction by relying exclusively on state law, and “federal jurisdiction cannot be predicated on an actual or anticipated defense.” *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009); *see also Hunter*, 582 F.3d 1039, 1042–43 (9th Cir. 2009) (“It is settled law

1 that a case may not be removed to federal court on the basis of a federal defense.”
 2 (internal quotation marks omitted)).

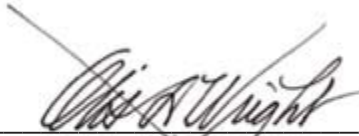
3 Courts have repeatedly held that unlawful-detainer actions do not present a
 4 federal question. *Aurora Loan Servs. v. De La Rosa*, No. 11-912, 2011 U.S. Dist.
 5 LEXIS 69217, at *3 (C.D. Cal. June 27, 2011). Moreover, Plaintiff Rancho Horizon,
 6 LLC does not allege any federal question in its Complaint, and any federal defense—
 7 including the Protecting Tenants at Foreclosure Act—Danielyan raises is irrelevant to
 8 jurisdiction. *Vaden*, 556 U.S. at 60; *Hunter*, 582 F.3d at 1042–43.

9 Second, the amount in controversy does not exceed the diversity jurisdiction
 10 threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). “In actions seeking
 11 declaratory or injunctive relief, it is well established that the amount in controversy is
 12 measured by the value of the object of the litigation.” *Cohn v. Petsmart, Inc.*, 281
 13 F.3d 837, 840 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Adver. Comm’n*,
 14 432 U.S. 333, 347 (1977)). And in unlawful-detainer actions, the title to the property
 15 is not the object of the litigation—only the right to possession. *See Evans v. Super.*
 16 *Ct.*, 67 Cal. App. 3d 162, 170 (Ct. App. 1977). The amount in controversy in an
 17 unlawful-detainer action is therefore determined by the amount of damages sought in
 18 the complaint, not by the value of the subject property. *Id.* Since Rancho Horizon
 19 seeks no more than \$10,000, that amount can never satisfy diversity jurisdiction under
 20 28 U.S.C. § 1332.

21 The Court therefore finds that it lacks either federal-question or diversity
 22 jurisdiction and **REMANDS** this case to Los Angeles County Superior Court, case
 23 number 13P06542. The Clerk of Court shall close this case.

24 **IT IS SO ORDERED.**

25 December 13, 2013

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28 **OTIS D. WRIGHT, II**
UNITED STATES DISTRICT JUDGE